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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Marysue Lucci Hansell

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EXAMINER

WINDER, PATRICE L

ART UNIT

PAPER NUMBER

2145

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/810,811

Applicant(s)

HANSELL ET AL.

Examiner

Patrice Winder

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4,8-11,14 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4,8-11, 14 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The scope of applicant's disclosure does not include a basis for determining "relevance" as associated with message animation systems. Applicant's disclosure lacks description of "relevant message animation systems" and "a relevant subset" of single message animation systems. Thus, both are considered new matter.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The term "relevant" in claim 20 is a relative term which renders the claim indefinite. The term "relevant" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. An appropriate correction would be to delete "relevant" from applicant's claim language or substitute as "selected by the message user".

Claim Objections

5. Claim 19 is objected to because of the following informalities: being dependent on cancelled claim 12. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 2-4, 8, 14, 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by McIllwaine et al., USPN 6,324,282 B1 (hereafter referred to as McIllwaine).

8. Regarding claim 20, McIllwaine taught a method for performing a business training communication performed in a communication system including a computer having computer memory, a computer communication channel and a display device (abstract), comprising;

(a) determining a targeted business area (column 6, lines 13-15);

- (b) sampling potential recipients of said business training communication (column 4, lines 65-67);

(c) performing a needs analysis of an event of said targeted business area upon said computer in accordance with said sampling of said potential recipients to provide an analyzed event (column 5, lines 16-31);

(d) storing said needs analysis in said computer memory (column 5, lines 36-40);

(e) determining a plurality of business training messages by said computer operating upon said computer memory in accordance with said needs analysis (column 5, lines 31-35);

(f) providing a respective animation system focused on each business training message of said plurality of business training messages to provide a first plurality of single message animation systems (column 6, lines 21-27);

(g) selecting a second plurality of relevant message animation systems from said first plurality of single message animation systems in accordance with the individual needs of a selected message recipient to provide a relevant subset of single message animation systems (column 7, lines 36-44);

(h) communicating said relevant subset of single message animation systems to said display device by way of said communication channel (column 7, lines 36-44); and

(i) displaying said relevant subset of single message animation systems to said selected message recipient on said display device.

9. Regarding dependent claim 2, McIlwaine taught step (h) comprises the further step of transmitting an email directly to said selected message recipient (column 9, lines 62-66).

10. Regarding dependent claim 3, McIlwaine taught including the step of providing animation files wherein step (h) comprises the further step of transmitting animation files to the location of said selected message recipient (column 10, lines 5-13).
11. Regarding dependent claim 4, McIlwaine taught the method of performing business training communications further comprising loading and displaying said animation programming disposed at said located of said selected message recipient (column 6, lines 50-57).
12. Regarding dependent claim 8, McIlwaine taught step (e) further comprises providing said plurality of animation systems to said message user by way of the Internet (column 9, lines 62-66).
13. Regarding dependent claim 14, McIlwaine taught said analyzed event comprises an event specific to said selected message recipient (column 5, lines 36-40).
14. Regarding dependent claim 17, McIlwaine taught said analyzed event of step (g) comprises an event specific to a plurality of employees (column 6, lines 3-9).
15. Regarding dependent claim 18, McIlwaine taught the method for performing business training communications further comprising applying said selected animation system to said selected animation system to said selected message recipient by way of the Internet (column 9, lines 62-66).
16. Regarding dependent claim 19, McIlwaine taught the method for performing business training communications further comprising further comprising selecting said further plurality of animation systems by said message user from a catalog of system

animations provided to said message user along with the providing of providing of step (e) (column 6, line 62 – column 7, line 5).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over McIlwaine in view of Ozkan et al., USPN 6,748,421 B1 (hereafter referred to as Ozkan).

19. Regarding dependent claim 9, McIlwaine does not specifically teach providing said plurality of animation system to said message user by way of a tangible recording medium. However, Ozkan taught step (e) further comprises providing said plurality of animation systems to said message user by way of a tangible recording medium (column 10, lines 48-52). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Ozkan's delivering a tangible recording medium in McIlwaine's system for delivering training materials would have been an equivalent method of delivery. The motivation would be to provide the animation systems to a message user when the message user is not connected to a network.

20. Regarding dependent claim 10, Ozkan taught said tangible recording medium comprises a CD-ROM (column 10, lines 48-52).

21. Regarding dependent claim 11, McIlwaine taught a method further comprising selecting from said plurality of animation systems by said message user a further plurality of animation systems for applying the animation systems of said further plurality of animation systems to at least one message recipient (column 6, lines 40-57).

Response to Arguments

22. Applicant's arguments, see page 14, line 10 through page 15, line 12, filed February 22, 2006, with respect to the rejection(s) of claim(s) 2-4, 8-11, 14, 17-20 under 37 CFR 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art references.

Conclusion

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Patrice Winder
Primary Examiner
Art Unit 2145

April 27, 2006